

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JONAH ORION CARRICO,

Plaintiff,

v.

Case No. 22-cv-1486-pp

GREFF,

Defendant.

**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO PAY INITIAL
PARTIAL FILING FEE**

On December 23, 2022, the court ordered that if the plaintiff wanted to continue with this lawsuit, then by the end of the day on January 20, 2023, he must pay \$8.49 as an initial partial filing fee (or file a letter asking for more time to do so). Dkt. No. 7 at 4. The court's order stated that the plaintiff must send the fee in time for the court to *receive* it by the end of the day on January 20, 2023, and that if the court did not receive the initial partial filing fee, or a letter asking for more time, by the end of the day on January 20, 2023, the court would dismiss this case without prejudice. Id.

The court did not receive anything from the plaintiff by the January 20, 2023 deadline. The court has checked the Wisconsin Department of Corrections' inmate locator web site. It indicates that the plaintiff remains at the Green Bay Correctional Institution, where he has been in custody since before he filed this lawsuit. <https://appsdoc.wi.gov/lop.details/detail>. While the site indicates that the plaintiff was out of the Green Bay Correctional Institution from January 10, 2023 to January 12, 2023 attending court, the plaintiff still had some twenty-six days between the court's December 23, 2022

order and the January 20, 2023 deadline by which to pay the fee. The court has heard nothing from the plaintiff since it received his trust account statement on December 22, 2022. Dkt. No. 6. The court will dismiss the case without prejudice for failure to pay the initial partial filing fee.

The law requires any incarcerated person who brings a civil lawsuit to pay the statutory filing fee. 28 U.S.C. §1915(b)(1). The court will collect the \$350 statutory filing fee.

The court **DENIES AS MOOT** the plaintiff's motion for leave to proceed without prepayment of the filing fee. Dkt. No. 2.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** because the plaintiff did not pay the initial partial filing fee by the deadline the court set. The clerk will enter judgment accordingly.

The court **ORDERS** that the agency that has custody of the plaintiff must collect from his institution trust account the **\$350** filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the plaintiff's trust account and forwarding payments to the clerk of court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The agency must clearly identify the payments by the case name and number. If the plaintiff transfers to another county, state or federal institution, the transferring institution must forward a copy of this order, along with the plaintiff's remaining balance, to the receiving institution.

The court will send a copy of this order to the Warden of Green Bay Correctional Institution.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by

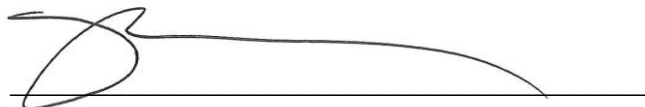
filing in this court a notice of appeal within 30 days of the entry of judgment. See Federal Rules of Appellate Procedure 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. See Fed. R. App. P. 4(a)(5)(A).

In limited circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Fed. R. Civ. P. 59(e) must be filed within 28 days of the entry of judgment. The court cannot extend this deadline. See Fed. R. Civ. P. 6(b)(2). Any motion under Fed. R. Civ. P. 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. See Fed. R. Civ. P. 6(b)(2).

The court expects parties to closely review all applicable rules and determine, what, if any, further action is appropriate in a case.

Dated in Milwaukee, Wisconsin this 30th day of January, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge